

Remarks

1. Elections/Restrictions

Applicants hereby affirmatively elect without traverse to prosecute the invention of Group I, Claims 1-20.

2. Prior Art Rejections

The Examiner rejected Claims 1-7, 9-17, and 20 under 35 U.S.C. §103(a) as being unpatentable over Kurashima et al. (U.S. Patent No. 5,596,665) in view of Sampson et al. (U.S. Patent No. 4,767,179). In providing his basis for this rejection, the Examiner acknowledges that "Kurashima fails to disclose the step of fixing the circuit board to the substrate and also fails to disclose the step of electrically connecting the electrical interface to the contacts as performed after the OSA is disposed in the cavity and the circuit board is fixed to the substrate." The Examiner states however that "Sampson ... teaches affixing a circuit board (12) to a substrate (22) having a cavity for an OSA (16) in connecting an electrical interface after the OSA is disposed in the cavity and the circuit board is fixed to the substrate" (column 3, lines 1-8). The Examiner concludes that it would have been obvious to electrically connect the electrical interface between the OSA and the circuit board after the OSA and the circuit board were mounted to the substrate. Specifically, the Examiner stated that "one would have been motivated to electrically connect the electrical interface after the OSA is disposed in the cavity and the circuit board is fixed to the substrate to allow for the cavity to be aligned and therefore allow for the circuitry to be easily connected by soldering...."

In reply, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* showing of obviousness.

**There Is No Reasonable Likelihood Of Success In Modifying The
Device Disclosed In Kurashima In Accordance With The
Examiner' s Suggestion**

It is not obvious to modify the Kurashima's process of assembling a transceiver such that the electrical connection between the OSA and the circuit board is made after both components are secured to the substrate. Specifically, Applicants submit that there is no likelihood of success in modifying the assembly process in Kurashima in accordance with the Examiner's suggestion. It is well established in U.S. patent law that, to establish a *prima facie* showing of obviousness, the proposed modification must have a likelihood of success.

Here, there is no likelihood of success that the electrical interface between the OSA and the circuit board can be made *after* the OSA and the circuit board are disposed in the housing. *To the contrary*, the only way to assemble the device of Kurashima is to electrically connect the OSA to the circuit board *before* the components are secured in the housing. Referring to Figure 3 and accompanying text, Kurashima discloses the use of a flexible neck 46C. This flexible neck electrically connects the OSA and the circuit, and allows the assembly to be bent such that it can fit into the housing. It is inconceivable how one would insert the OSA and the circuit board into the housing without first electrically connecting them and then bending the assembly. For instance, until the two are connected and bent by angle D as shown in Figure 3, the assembly *will not fit* in the housing. Therefore, since the size and configuration of the flexible circuit board in Kurashima would not allow it and the OSA to be installed prior to effecting the electrical interface therebetween, there is no likelihood of success in such a modification. Absent a likelihood of success, a *prima facie* showing of obviousness cannot be made. Accordingly, Applicants respectfully submit that the Examiner withdraw the rejection and allow the claims.

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In light of the above remarks, an early and favorable response is earnestly requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Driscoll', is written over a horizontal line.

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